

ZB# 06-11

Jose Alemany

64-2-32

ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, N.Y. 12553
Granted 4-24-06

06-11 Jose Alemany (Area)
36411 Liberty Ridge

NEW WINDSOR ZONING BOARD OF APPEALS

SBL: 64-2-32

In the Matter of the Application of

JOSE ALEMANY

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #06-11

WHEREAS, Jose Alemany, owner(s) of 4 Cresthaven Drive, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an Request for 14 ft. Rear Yard Setback for proposed attached rear decks in an R-3 Zone (64-2-32)

WHEREAS, a public hearing was held on April 24, 2006 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor of or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Official Town Newspaper, also as required by law.
2. The Evidence presented by the Applicant showed that:
 - (a) The property is a residential property located in a neighborhood of residential properties in an R-3 zone.
 - (b) In constructing the deck, the applicant will not remove any trees or substantial vegetation.
 - (c) In building the deck the applicant will not build on top of nor will it interfere with any easements or rights-of-way including, but not limited to, water, sewer and electrical easements

(d) In building the deck the applicant will not create the ponding or collection of water or divert the flow of water drainage

(e) With the deck, the house will be similar in size and nature to other houses in the neighborhood.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s).

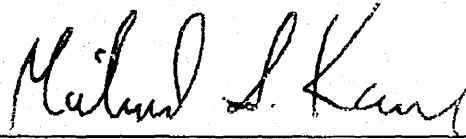
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for 14 ft. Rear Yard Setback for proposed attached rear decks at 2641 Liberty Ridge in an R-3 Zone (64-2-32) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: April 24, 2006

A handwritten signature in cursive script, reading "Michael S. Kung", is written over a horizontal line.

Chairman

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

DATE: 10/5/05

APPLICANT: Jose Alemany
2641 Liberty Ridge
New Windsor, NY 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 64-2-32

FOR : Proposed attached 28x16 & 13x16 rear decks

LOCATED AT: 2641 Liberty Ridge


ZONE: R-3 Sec/Blk/ Lot: 64-2-32

COPY

DESCRIPTION OF EXISTING SITE: One Family Dwelling

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Proposed attached rear decks will not meet minimum 30ft rear yard set-backs.


BUILDING INSPECTOR

PERMITTED

**PROPOSED OR
AVAILABLE:**

**VARIANCE
REQUEST:**

ZONE: R-3 USE: See Approved Site Plan

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD: 30ft

16ft

14ft

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

PLEASE ALLOW FIVE TO TEN DAYS TO PROCESS
IMPORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

SEP 29 2005

FOR OFFICE USE ONLY:
Building Permit #: PA-2005-1062

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE THE BUILDING PERMIT APPLICATION WILL BE ACCEPTED AND/OR ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises

JOE A. Alemany

Address

2641 Liberty Ridge

Phone #

845 5676684 (H)

Mailing Address

~~Text~~

917 903 3823 (C)

Name of Architect

Address

Phone

Name of Contractor

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder

If applicant is a corporation, signature of duly authorized officer.
(Name and title of corporate officer)

1. On what street is property located? On the _____ side of _____
(N,S,E or W)
and _____ feet from the intersection of _____

2. Zone or use district in which premises are situated _____ Is property a flood zone? Y _____ N _____

3. Tax Map Description: Section 64 Block 2 Lot 32

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____ b. Intended use and occupancy _____

5. Nature of work (check if applicable) ☐ New Bldg. ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☒ Other - DECK

6. Is this a corner lot? NO

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: _____ Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____ Heating Plant: Gas _____ Oil _____

Electric/Hot Air _____ Hot Water _____ If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use _____

10. Estimated cost _____ Fee _____

\$50.00

PAID
ck # 793 B50⁰⁰
ZONING BOARD

____/____/____
date

APPLICATION FOR BUILDING PERMIT
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspectors Frank Lisi & Louis Krychear
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(845) 563-4618
(845) 563-4695 FAX

Bldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram, which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

(Signature of Applicant)

(Owner's Signature)

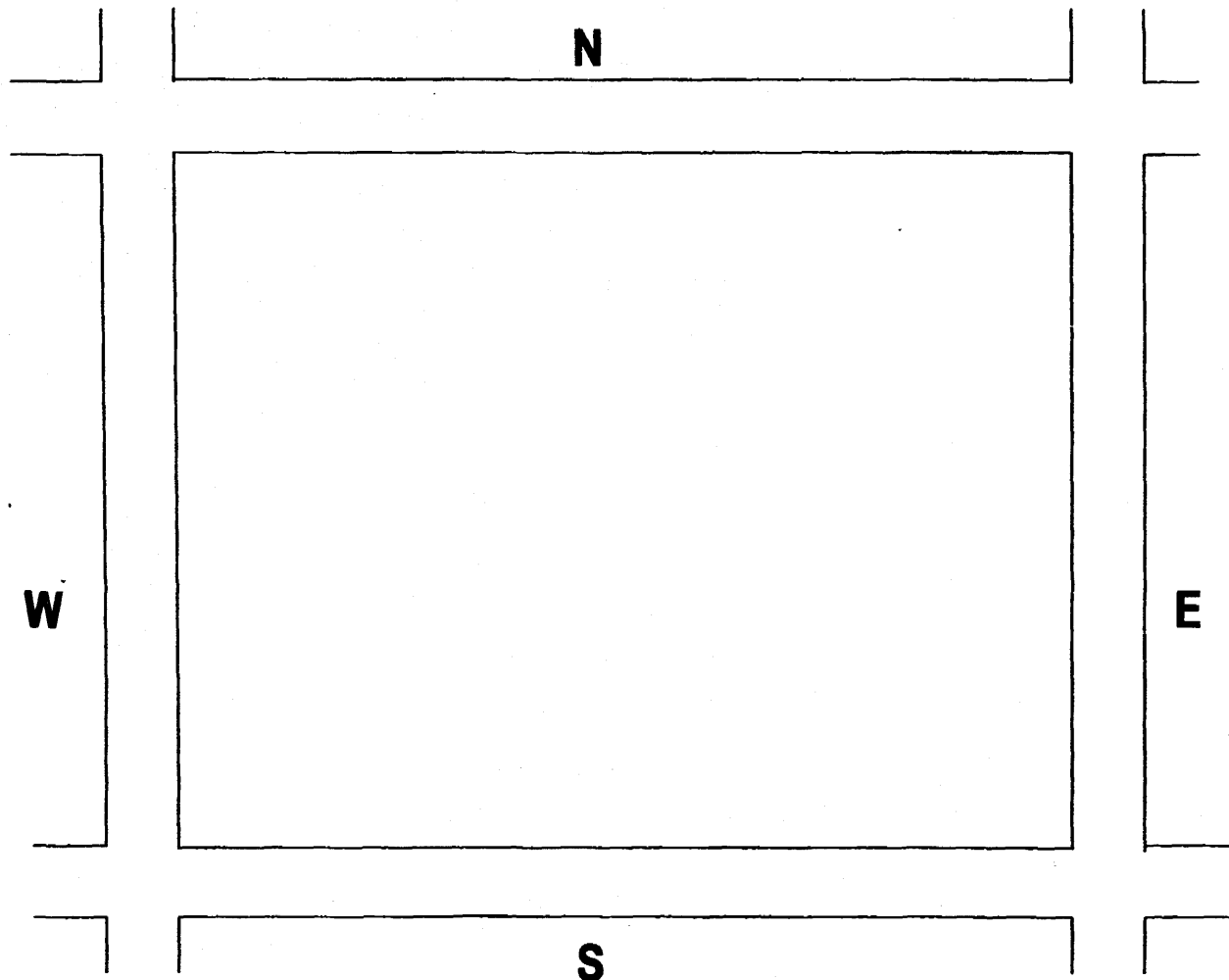
(Address of Applicant)

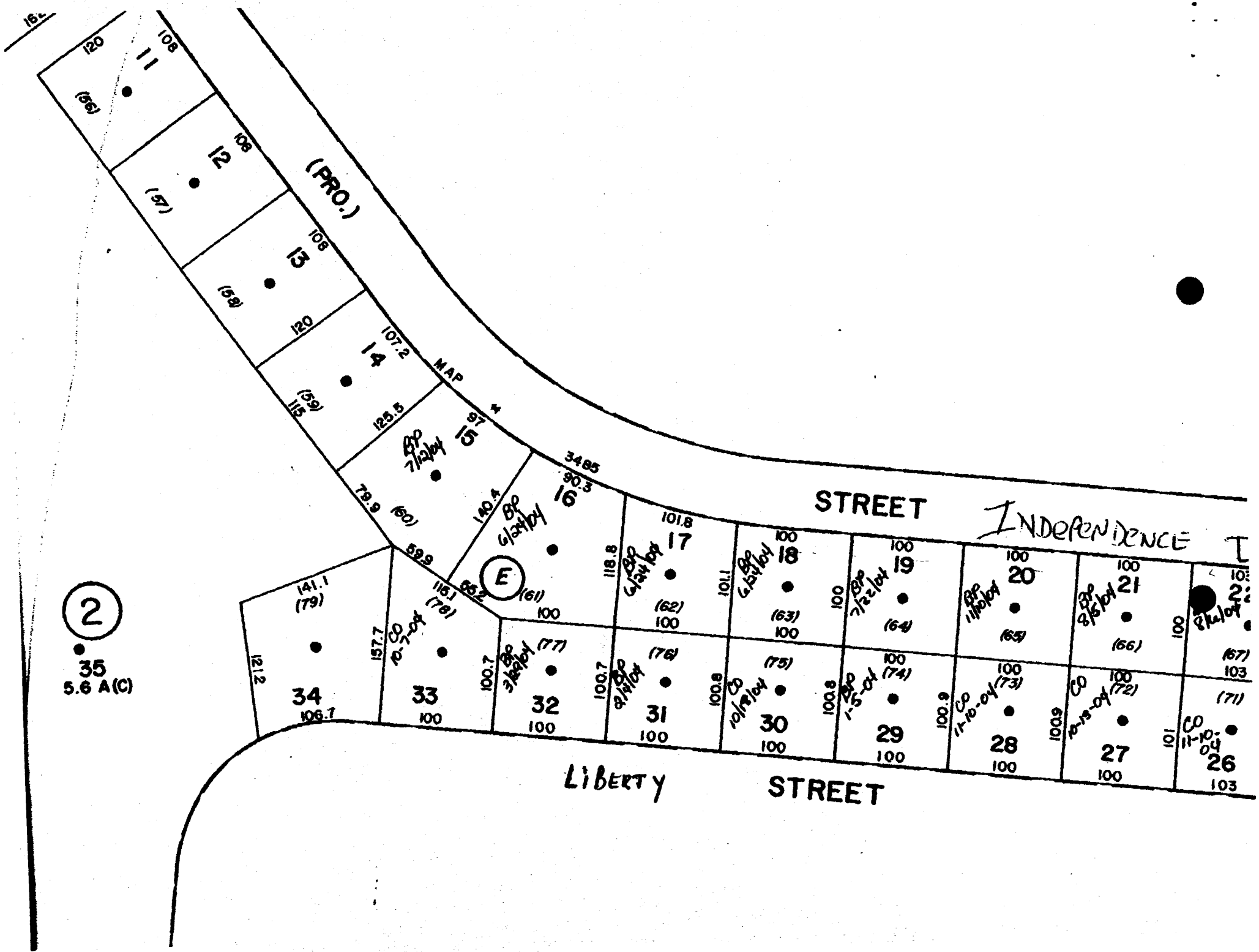
(Owner's Address)

PLOT PLAN

NOTE:

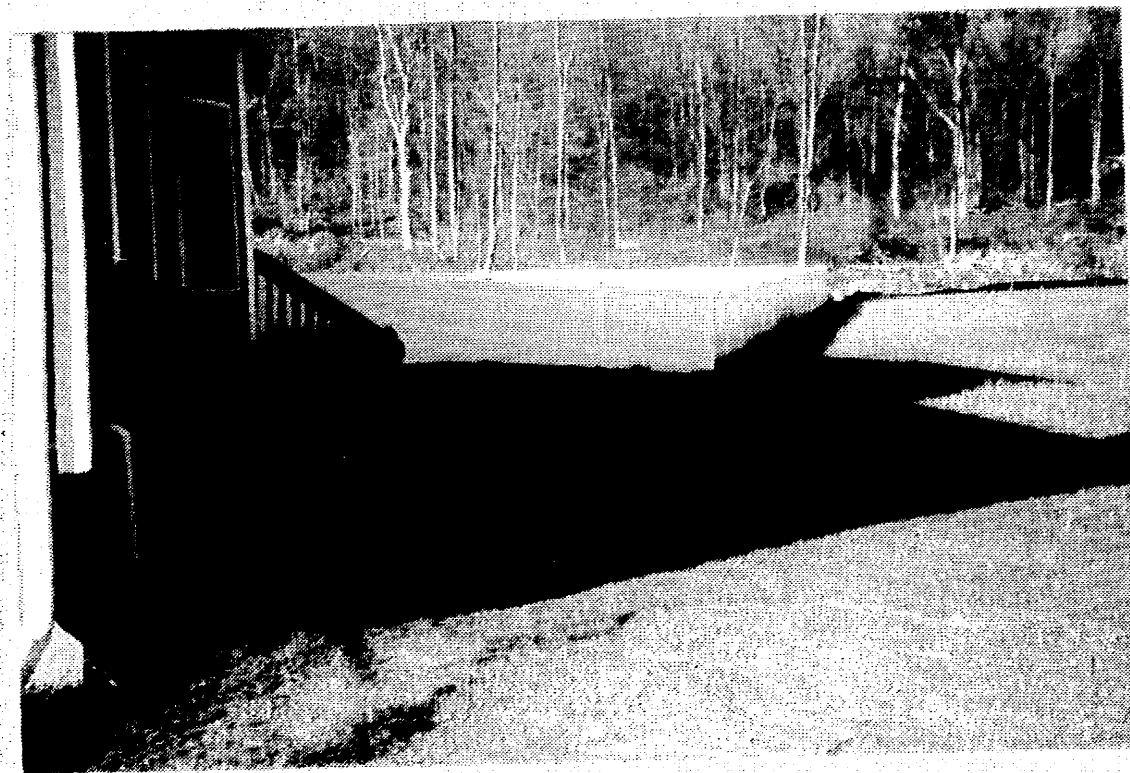
Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.



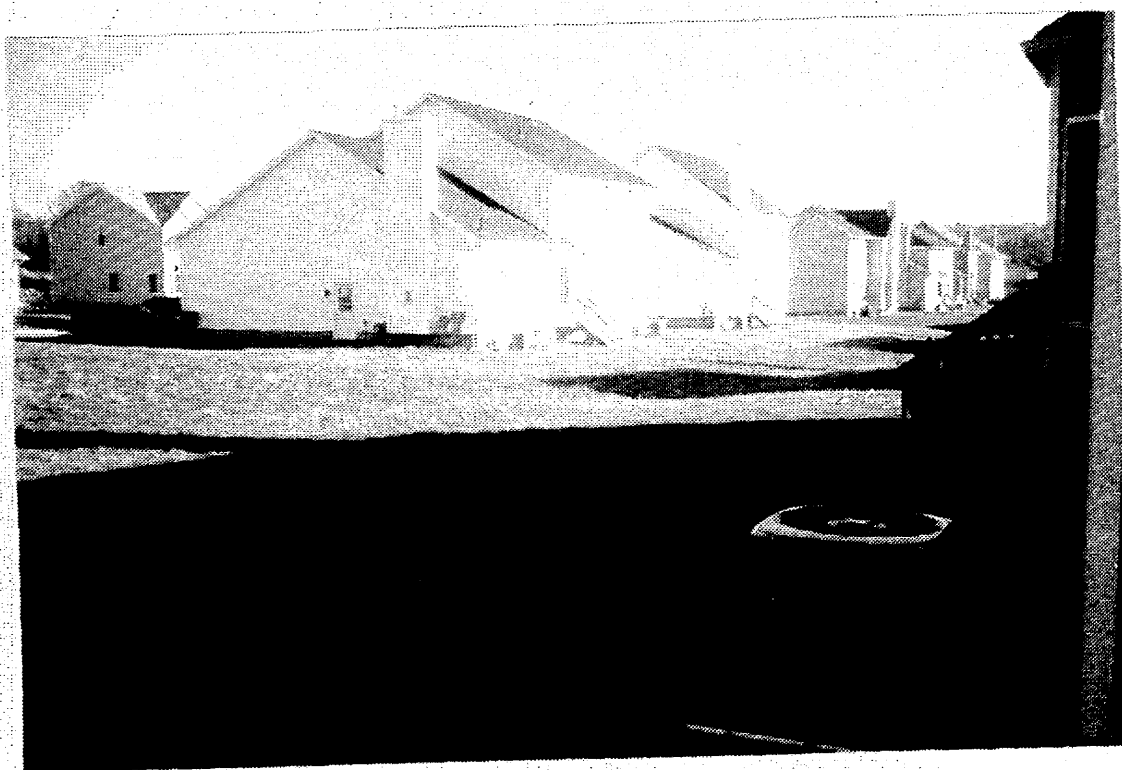


2

35
5.6 A(C)









**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
OFFICE
845-563-4615**

MEMORANDUM

TO: LARRY REIS, COMPTROLLER
FROM: MYRA MASON, SECRETARY TO THE ZONING BOARD
DATE: JULY 20, 2006
SUBJECT: ESCROW REFUND

**PLEASE ISSUE A CHECK IN THE AMOUNT OF \$ 183.88 TO CLOSE OUT
ESCROW FOR:**

ZBA FILE #06-11

NAME & ADDRESS:

**Jose Alemany
2641 Liberty Ridge
New Windsor, NY 12553**

THANK YOU,

MYRA

L.R.07-20-06



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
RECORD OF CHARGES & PAYMENTS**



FILE #06-11 TYPE:AREA TELEPHONE: 567-6684

APPLICANT:

Jose Alemany
2641 Liberty Ridge
New Windsor, NY 12553

RESIDENTIAL:	\$ 50.00	CHECK #987
COMMERCIAL	\$ 150.00	CHECK # _____
INTERPRETATION	\$ 150.00	CHECK # _____

ESCROW: RESIDENTIAL \$300.00 CHECK #988



<u>DISBURSEMENTS:</u>		<u>MINUTES</u> \$7.00 / PAGE	<u>ATTORNEY</u> FEE
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PRELIMINARY:	<u>2</u>	PAGES	\$ <u>14.00</u>	\$ <u>35.00</u>
2 ND PRELIMINARY:	<u> </u>	PAGES	\$ <u> </u>	\$ <u> </u>
PUBLIC HEARING:	<u>3</u>	PAGES	\$ <u>21.00</u>	\$ <u>35.00</u>
PUBLIC HEARING:	<u> </u>	PAGES	\$ <u> </u>	\$ <u> </u>

LEGAL AD: Publish Date:04-18 \$ 11.12

TOTAL: \$ 46.12 \$ 70.00



ESCROW POSTED: \$ 300.00
LESS: DISBURSEMENTS: \$ 116.12

AMOUNT DUE: \$

REFUND DUE: \$ 183.88

Cc:

L.R. 07-20-06



THE SENTINEL

P.O. BOX 406
VAILS GATE, NY 12584

Please Return with payment

Invoice

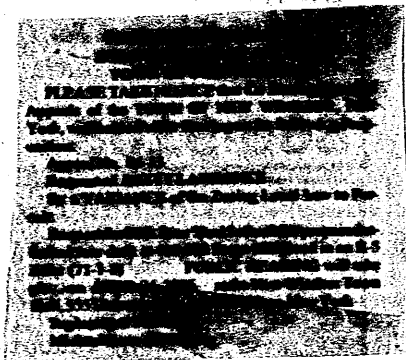
Date	Invoice #
6/2/2006	7869

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553

P.O. No.	Terms	Project
SEE BELOW	Due on receipt	

Issue Date	Description	PCS/Units	Amount
4/18/2006	LEGAL ADS: PO 44500 LAWRENCE 06-13	7.12	7.12
	1 AFFIDAVIT	4.00	4.00
4/18/2006	LEGAL ADS: PO 44502 ALEMAN 06-11	7.12	7.12
	1 AFFIDAVIT	4.00	4.00
		Total	\$22.24

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)
562-1218



State of New York

County of Orange, ss:

Patricia Quill being duly

sworn disposes and says that she is The
Supervisor of Legal Dept. of the E.W. Smith
Publishing Company; Inc. Publisher of The
Sentinel, a weekly newspaper published and
of general circulation in the Town of New
Windsor, Town of Newburgh and City of
Newburgh and that the notice of which the
annexed is a true copy was published /X

in said newspaper, commencing on

the 14 day of Apr A.D., 2006

and ending on the 14 day of Apr

A.D. 2006

Patricia Quill

Subscribed and shown to before me

this 10th day of July, 2006 _____.

Deborah Green

Notary Public of the State of New York

County of Orange.

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065

Commission Expires July 15, 2007

My commission expires _____



RESULTS OF Z.B.A. MEETING OF: April 24, 2006

PROJECT: Jose Alemany ZBA # 06-11
P.B.# _____

P.B.# _____

USE VARIANCE: **NEED: EAF** _____ **PROXY** _____

LEAD AGENCY: M)_____S)_____ VOTE: A_____N_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y _____ N _____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

APPROVED: M)____S)____ VOTE: A____N____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____ CARRIED: Y _____ N _____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M)___ S)___ VOTE: A___ N___

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____ N_____

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES ✓
VARIANCE APPROVED: M) Lo S) Lu VOTE: A 4 N 0.

GANN	A
LUNDSTROM	A
LOCEY	A
TORPEY	A
KANE	

CARRIED: Y ✓ N

[illegible]

April 24, 2006

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JOSE_ALEMANY_(06-11)

MS. GANN: Request for 14 foot rear yard setback for proposed attached rear deck at 2641 Liberty Ridge.

Mr. Jose Alemany appeared before the board for this proposal.

MS. GANN: Would you be taking any substantial vegetation down in the building of the deck?

MR. ALEMANY: No.

MR. TORPEY: No trees?

MR. ALEMANY: No.

MS. GANN: Going over any easements that you know of?

MR. ALEMANY: None, I'll be 14 feet away from the easement.

MS. LOCEY: No drainage or water hazards?

MR. ALEMANY: No.

MS. GANN: Would that be similar in size to other decks in the area in the neighborhood?

MR. ALEMANY: Yeah, pretty much.

MR. TORPEY: How many steps do you think that deck is going to have?

MR. ALEMANY: Three tops.

MR. TORPEY: Coming off the back?

MR. ALEMANY: Yeah, coming off going to be a walk-out and making a right.

MR. KRIEGER: The deck will be adjacent to a rear exit of the house, correct?

MR. ALEMANY: Yes, well--

MR. KRIEGER: A person will be exiting the house onto the deck?

MR. ALEMANY: Yes.

MR. KRIEGER: And without the deck there would be likelihood exiting the house they'd be likely to fall and sustain serious injury, right?

MR. ALEMANY: Correct, absolutely.

MS. GANN: Any other questions from the board? Is there anyone here for this public hearing? Okay, no one. I'm going to ask Myra how many mailings we had.

MS. MASON: On April 10, I mailed out 54 envelopes and had no response.

MS. GANN: I'll accept a motion.

MS. LOCEY: I will offer a motion to grant the request for 14 foot rear yard setback for proposed attached rear deck at 2641 Liberty Ridge in an R-3 zone.

MR. ALEMANY: I have a question though, in addition between the deck and the property line I guess like 14, 15 feet if we want to build an above-ground pool between that space, do I need to do something different?

MR. KRIEGER: You have to talk to the building inspector.

MR. ALEMANY: Between the end of the deck to the

April 24, 2006

48

property line if we wanted to squeeze an above-ground pool in there, is that another variance?

MR. BABCOCK: Well, if you can get one that's 4 foot round.

MR. ALEMANY: I don't think the kids will like that.

MR. BABCOCK: A 55 gallon drum.

MR. ALEMANY: I think he answered it, that's fine.

MR. LUNDSTROM: I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MR. TORPEY	AYE
MS. GANN	AYE

**ZONING BOARD OF APPEALS: TOWN OF NEW WINDSOR
COUNTY OF ORANGE: STATE OF NEW YORK**

JOSE ALEMANY

#06-11

X

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)


That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

That on the 10TH day of **APRIL, 2006**, I compared the **54** addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for a variance and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason
Myra L. Mason, Secretary

10th day of April, 2006


Notary Public

JENNIFER MEAD
Notary Public, State Of New York
No. 01ME6050024
Qualified In Orange County
Commission Expires 10/30/ 2006



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4631
Fax: (845) 563-3101

Assessors Office

March 22, 2006

Jose Alemany
2641 Liberty Ridge
New Windsor, NY 12553

Re: 64-2-32 ZBA#: 06-11 (54)

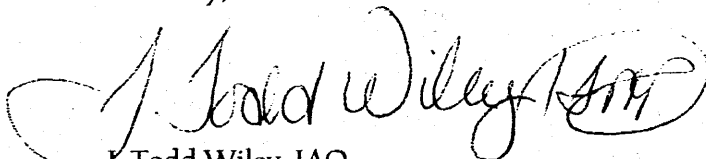
Dear Mr. Alemany:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$75.00, minus your deposit of \$25.00.

Please remit the balance of \$50.00 to the Town Clerk's Office.

Sincerely,


J. Todd Wiley, IAO
Sole Assessor

JTW/tmp
Attachments

CC: Myra Mason, Zoning Board

64-2-15

Richard & Michele Janke
2051 Independence Drive
New Windsor, NY 12553

64-2-18

Melba Fawcett Sands
2045 Independence Drive
New Windsor, NY 12553

64-2-21

John & Eileen Weber
2039 Independence Drive
New Windsor, NY 12553

64-2-29

Carl & Margo Bell
2647 Liberty Ridge
New Windsor, NY 12553

64-2-33

Paul & Donna Alvarez
2639 Liberty Ridge
New Windsor, NY 12553

76-4-15

Juan Curillo
Anita Pinos
2040 Independence Drive
New Windsor, NY 12553

76-4-18

Robert & Janet Garcia
2046 Independence Drive
New Windsor, NY 12553

76-4-21

Nathaniel Moore
Tabatha Williams
2052 Independence Drive
New Windsor, NY 12553

77-1-2

Juan Nieves
Enis Jurado Nieves
2640 Liberty Ridge
New Windsor, NY 12553

77-1-5

Annette & Giovanni Flores
2646 Liberty Ridge
New Windsor, NY 12553

64-2-16

Baby & Shantee Thomas
2049 Independence Drive
New Windsor, NY 12553

64-2-19

Donald Cambridge
Sabrina Walker-Cambridge
2043 Independence Drive
New Windsor, NY 12553

64-2-27

Agustin & Milagros Dorego
2651 Liberty Ridge
New Windsor, NY 12553

64-2-30

Timmy Vazquez
Carla Diaz Vazquez
2645 Liberty Ridge
New Windsor, NY 12553

Various parcels
Mt. Airy Estates, Inc.
c/o Sarna Enterprises
15 Engle Street – Suite 100
Englewood, NJ 07631

76-4-16

Michal & Christina Klim
Rakowski Family Trust
2042 Independence Drive
New Windsor, NY 12553

76-4-19

Steven & Darlene Ford
2048 Independence Drive
New Windsor, NY 12553

76-4-22

Steven & Jennifer Marion
2054 Independence Drive
New Windsor, NY 12553

77-1-3

Edward Venezia II
Nadia Godbout
2642 Liberty Ridge
New Windsor, NY 12553

77-1-6

Yury Matuska
2648 Liberty Ridge
New Windsor, NY 12553

64-2-17

Douglas Pettus
Virna Jusino
2047 Independence Drive
New Windsor, NY 12553

64-2-20

Stanley & Beena George
2041 Independence Drive
New Windsor, NY 12553

64-2-28

Mario & Theresa Bullicer
2649 Liberty Ridge
New Windsor, NY 12553

64-2-31

Norman 7 Doreen Edwards
2643 Liberty Ridge
New Windsor, NY 12553

76-4-14

Israel Perez
Therezabeth Garcia
2038 Independence Drive
New Windsor, NY 12553

76-4-17

Michael & Charisse Deas
2044 Independence Drive
New Windsor, NY 12553

76-4-20

Jason & Pauline Honecker
2050 Independence Drive
New Windsor, NY 12553

77-1-1

Jeanette Campbell
2638 Liberty Ridge
New Windsor, NY 12553

77-1-4

Jodi Boffa
Brian Breheny
2651 Liberty Ridge
New Windsor, NY 12553

77-1-7

Shawn Carter
Ebony Johnson Carter
2650 Liberty Ridge
New Windsor, NY 12553

77-1-8
Derek Barbier
Maritza DeJesus Barbier
2652 Liberty Ridge
New Windsor, NY 12553

77-1-19
Donald & Kathleen DeMatteo
2816 Cherry Tree Way
New Windsor, NY 12553

77-1-22
James Wallace
Stacey Miller
2822 Cherry Tree Way
New Windsor, NY 12553

77-2-1
Jose Antonio & Sandra Marin
2825 Cherry Tree Way
New Windsor, NY 12553

77-2-4
Benedetto & Kelly Allegra
2819 Cherry Tree Way
New Windsor, NY 12553

77-2-7
Carmelo & Lydia Taverna
2813 Cherry Tree Way
New Windsor, NY 12553

77-2-22
Brian & Carole McCue
2718 Colonial Drive
2812 Cherry Tree Way
New Windsor, NY 12553

77-2-25
Dion & Joan Edwards
2724 Colonial Drive
New Windsor, NY 12553

77-1-17
Richard & Josephine Romano
2812 Cherry Tree Way
New Windsor, NY 12553

77-1-20
Eduardo & Elizabeth Guerrero
2818 Cherry Tree Way
New Windsor, NY 12553

77-1-23
Mark & Tina Goldenberg
2824 Cherry Tree Way
New Windsor, NY 12553

77-2-2
Richard & Laura Smacchia
2823 Cherry Tree Way
New Windsor, NY 12553

77-2-5
John & Eva Lee
2817 Cherry Tree Way
New Windsor, NY 12553

77-2-8
Daniel & Lydia Bonilla
2811 Cherry Tree Way
New Windsor, NY 12553

77-2-23
Emanuel & Anelyn Suazo
2720 Colonial Drive
2812 Cherry Tree Way
New Windsor, NY 12553

77-2-26
Robert & Zoraida Marquez
2726 Colonial Drive
New Windsor, NY 12553

77-1-18
Donald & Karlene Mitchell
2814 Cherry Tree Way
New Windsor, NY 12553

77-1-21
Denis & Jacqueline Allen
2820 Cherry Tree Way
New Windsor, NY 12553

77-1-24
Jean Pierre Nerva
Lude Belony
2826 Cherry Tree Way
New Windsor, NY 12553

77-2-3
Doanld & Paulette Easterlin
2821 Cherry Tree Way
New Windsor, NY 12553

77-2-6
Nolan & Madeline Padilla
2815 Cherry Tree Way
New Windsor, NY 12553

77-2-21
James Hoskin
Kathryn Brown
2716 Colonial Drive
New Windsor, NY 12553

77-2-24
Craig & Valerie Barnes
2722 Colonial Drive
New Windsor, NY 12553

77-2-27
Maria Pippi
David Layne
2728 Colonial Drive
New Windsor, NY 12553

PUBLIC HEARING NOTICE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing on the following Proposition:

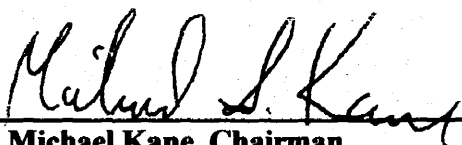
Appeal No. 06-11

Request of JOSE ALEMANY

for a VARIANCE of the Zoning Local Law to Permit:

Request for 14 ft. Rear Yard Setback for proposed attached rear decks at 2641 Liberty Ridge in an R-3 Zone (64-2-32)

PUBLIC HEARING will take place on APRIL 24, 2006
at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York
beginning at 7:30 P.M.


Michael Kane, Chairman

TOWN OF NEW WINDSOR

REQUEST FOR NOTIFICATION LIST

DATE: 03-17-2006 PROJECT NUMBER: ZBA# 06-11 P.B. # _____

APPLICANT NAME: JOSE ALEMANY

PERSON TO NOTIFY TO PICK UP LIST:

Jose Alemany
2641 Liberty Ridge
New Windsor, NY 12553

TELEPHONE: 567-6684

TAX MAP NUMBER:	SEC. <u>64</u>	BLOCK <u>2</u>	LOT <u>32</u>
	SEC. _____	BLOCK _____	LOT _____
	SEC. _____	B LOCK _____	LOT _____

PROPERTY LOCATION: 2641 LIBERTY RIDGE
NEW WINDSOR

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: _____

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) _____

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) _____

AGRICULTURAL DISTRICT:
 (ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'
 OF SITE PLAN OR SUBDIVISION PROJECT) _____

❖ ❖

NEW WINDSOR ZONING BOARD XXX

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT XXX

❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 989

TOTAL CHARGES: _____

March 13, 2006

14

JOSE_ALEMANY_(06-11)

MS. GANN: Request for 14 ft. rear yard setback for proposed attached rear decks at 2641 Liberty Ridge.

Mr. Jose Alemany appeared before the board for this proposal.

MR. ALEMANY: My name is Jose Alemany, I reside at 2641 Liberty Ridge, I'm here to request a 14 foot setback for proposed deck.

MR. LUNDSTROM: You said 14 foot setback?

MR. ALEMANY: Correct.

MS. LOCEY: A variance.

MR. LUNDSTROM: Cause I'm seeing 16 foot setback.

MS. GANN: Is it coming right off of this ladder with the stairs that are there now?

MR. ALEMANY: Correct, so it will just be a walk-out from the bay.

MS. LOCEY: How large a deck is it?

MR. ALEMANY: 44 x 16.

MS. LOCEY: Is that equivalent again to your neighbors, will it fall into the character of the neighborhood?

MR. ALEMANY: Correct.

MS. LOCEY: Any substantial vegetation that needs to be removed?

MR. ALEMANY: No.

March 13, 2006

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MS. LOCEY: Creating any drainage problems or are there any easements?

MR. ALEMANY: No easements or drainage problems.

MS. GANN: Any other questions?

MR. LUNDSTROM: Looks like you have two air conditioning compressors that may have to be moved.

MR. ALEMANY: There's only one, the one facing the house on the right side, they're going to move that to the other side of the house.

MS. GANN: I'll accept a motion.

MR. LUNDSTROM: Madam Chairman, I will move that the application by Jose Alemany's request for 14 foot rear yard setback for proposed attached rear deck at 2641 Liberty Ridge in an R-3 zone be approved and allowed to go on to public hearing.

MS. LOCEY: I will second that motion.

ROLL CALL

MR. LUNDSTROM	AYE
MS. LOCEY	AYE
MS. GANN	AYE

ZBA-#06-11 application Fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#213-2006

03/17/2006

Aleman, Jose

Received \$ 50.00 for Zoning Board Fees, on 03/17/2006. Thank you for
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

RECEIPT OF ESCROW RECEIVED:

DATE RECEIVED: 03-11-06

FOR: 06-11 ESCROW

FROM:

CHECK FROM:

Jose Alemany
2641 Liberty Ridge
New Windsor, NY 12553

SAME

CHECK NUMBER: 988

TELEPHONE: 567-6684

AMOUNT: 300.00

RECEIVED AT COMPTROLLER'S OFFICE BY:

Dei 3-17-06
NAME DATE

PLEASE RETURN ONE SIGNED COPY TO MYRA FOR FILING

THANK YOU



RESULTS OF Z.B.A. MEETING OF: March 13, 2006

PROJECT: Jose Alexany

ZBA # 06-11

P.B.#

USE VARIANCE: NEED: EAF _____ PROXY

LEAD AGENCY: M) _____ S) _____ VOTE: A _____ N _____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y____N____

PUBLIC HEARING: M)_____ **S)**_____ **VOTE: A**____ **N**_____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y____N____

NEGATIVE DEC: M) _____ S) _____ VOTE: A _____ N _____

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y N

APPROVED: M)____S)____ VOTE: A____N____

GANN
LUNDSTROM
LOCEY
TORPEY
KANE

CARRIED: Y_____N_____

ALL VARIANCES - PRELIMINARY APPEARANCE:

SCHEDULE PUBLIC HEARING: M) Lu S) Lo

VOTE: A 3 N 0

GANN
LUNDSTROM
LOCEY
~~TORREY~~
~~KANE~~

CARRIED: Y ☒ N

PUBLIC HEARING: STATEMENT OF MAILING READ INTO MINUTES

VARIANCE APPROVED: M)___ S)___ **VOTE:** A___ N___.

GANN _____
LUNDSTROM _____
LOCEY _____
TORPEY _____
KANE _____

CARRIED: Y_____N_____.

[illegible]



**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**



APPLICATION FOR VARIANCE

10-17-05
Date

Application Type: Use Variance ☐ Area Variance ☐
Sign Variance ☐ Interpretation ☐

I. Owner Information:

Phone Number: (845) 567-6684

Fax Number: ()

(Name)

(Address)

JOE A. ALEMANY
2641 LIBERTY RIDGE

II. Applicant:

Phone Number: ()

Fax Number: ()

(Name)

(Address)

SAME

III. Forwarding Address, if any, for return of escrow:

Phone Number: ()

Fax Number: ()

(Name)

(Address)

SAME

IV. Contractor/Engineer/Architect/Surveyor/:

Phone Number ()

Fax Number: ()

(Name)

(Address)

N/A

V. Property Information:

Zone: R-3 Property Address in Question: 2641 LIBERTY RIDGE

Lot Size: _____ Tax Map Number: Section 64 Block 2 Lot 32

a. What other zones lie within 500 feet? _____

b. Is pending sale or lease subject to ZBA approval of this Application? NO

c. When was property purchased by present owner? 11-24-04

d. Has property been subdivided previously? NO If so, When: _____

e. Has an Order to Remedy Violation been issued against the property by the Building/Zoning/Fire Inspector? NO

f. Is there any outside storage at the property now or is any proposed? NO

******PLEASE NOTE:*******

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

VIII. AREA VARIANCE: (This information will be on your Building Department Denial form you receive)

Area Variance requested from New Windsor Zoning Local Law,

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area			
Min. Lot Width			
Reqd. Front Yd.			
Reqd. Side Yd.			
Reqd. Rear Yd.	30 ft.	16 ft.	14 ft.
Reqd. St Front*			
Max. Bldg. Hgt.			
Min. Floor Area*			
Dev. Coverage*			
Floor Area Ration**			
Parking Area			

*Residential Districts Only

**Non-Residential Districts Only

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

COMPLETE THIS PAGE ☐

**TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS**

APPLICATION FOR VARIANCE - continued

- IX. In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3) whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created.

After reading the above paragraph, please describe why you believe the ZBA should grant your application for an Area Variance:

Granting my application for an Area Variance
will not have an adverse effect or impact any physical or environmental
conditions in the neighborhood or district. In addition, allowing me to
build the deck in question will enable my family to entertain family &
friends outdoors comfortably. Furthermore, the deck will not effect the
health, safety & welfare of the neighborhood - nor ~~impact~~ require
knocking down any trees or impact any easements currently on my
property line.

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

XII. ADDITIONAL COMMENTS:

- (a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaped, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

XIII. ATTACHMENTS REQUIRED:

- ☐ Copy of contract of sale, lease or franchise agreement. Copy of deed and title policy.
- ☐ Copy of site plan or survey (if available) showing the size and location of the lot, buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☐ Copies of signs with dimensions and location.
- ☐ Three checks: **(each payable to the TOWN OF NEW WINDSOR)**
- ☐ One in the amount of \$ 300.00 or 500.00 , (escrow)
- ☐ One in the amount of \$ 50.00 or 150.00 , (application fee)
- ☐ One in the amount of \$ 25.00 , (Public Hearing List Deposit)
- ☐ Photographs of existing premises (5 or 6) from several angles. **(IF SUBMITTING DIGITAL PHOTOS PRINTED FROM COMPUTER – PLEASE SUBMIT FOUR (4) SETS OF THE PHOTOS.)**

XIV. AFFIDAVIT.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/her information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

Sworn to before me this:

17th day of October 20 05.


Owner's Signature (Notarized)

Joe A. Henry
Owner's Name (Please Print)

Victoria R. Lemion
Signature and Stamp of Notary

Applicant's Signature (If not Owner)

PLEASE NOTE:

THIS APPLICATION, IF NOT FINALIZED, EXPIRES ONE YEAR FROM THE DATE OF SUBMITTAL.

Victoria R Simion
Notary Public, State of New York
No. 01-S15061443
Qualified in Westchester County
Commission Expires November 6, 2005

COMPLETE THIS PAGE ☐

3/13



TOWN OF NEW WINDSOR
555 UNION AVENUE
NEW WINDSOR, NY 12553
(845) 563-4615 (MYRA MASON)



ZONING BOARD PROCEDURES

PLEASE READ AND COMPLETE THE ATTACHED APPLICATION FORMS WHERE IT APPLIES TO YOUR SITUATION(LOOK FOR HIGHLIGHT IN BOX IN LOWER RIGHT CORNER OF EACH PAGE) AND RETURN TO MYRA MASON (845-563-4615) AT THE ZONING BOARD OFFICE (LOCATED IN THE PLANNING BOARD & ENGINEERING OFFICE IN TOWN HALL) WITH THREE CHECKS MADE PAYABLE TO "THE TOWN OF NEW WINDSOR" AS FOLLOWS:

RESIDENTIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$ 50.00
*ESCROW:	\$300.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
MULTI-FAMILY: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
COMMERCIAL: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00
INTERPRETATION: (Three Separate Checks Please)	
APPLICATION FEE:	\$150.00
*ESCROW:	\$500.00
** <u>DEPOSIT</u> FOR PUBLIC HEARING LIST:	\$ 25.00

UPON RECEIPT OF ALL APPLICABLE PAPERWORK AND CHECKS, YOU WILL BE SCHEDULED FOR THE NEXT AVAILABLE AGENDA FOR YOUR "PRELIMINARY MEETING". YOU DO NOT NEED YOUR PUBLIC HEARING LIST OR ENVELOPES FOR THIS FIRST MEETING.

* *

ESCROW
IS TO COVER OUTSIDE PROFESSIONAL FEES SUCH AS ZBA ATTORNEY FEE, MINUTES OF YOUR PORTION OF THE MEETING, LEGAL ADS, ETC. THE BALANCE WILL BE RETURNED TO YOU UPON CLOSING FILE.

* *

LIST OF PROPERTY OWNERS WITHIN 500 FT. RADIUS OF PROPERTY IN QUESTION:	
APPROXIMATE COST FOR PUBLIC HEARING LIST:	
1-10 NAMES	25.00
11-20 NAMES	35.00
21-30 NAMES	45.00
31-40 NAMES	55.00
41-50 NAMES	65.00
51-60 NAMES	75.00
61-70 NAMES	85.00
71-80 NAMES	95.00
81-90 NAMES	105.00
91-100 NAMES	115.00
ANYTHING OVER 100 NAMES IS \$1.00 EA. ADDITIONAL NAME	

06-11

PUBLIC HEARING LIST OF PROPERTY OWNERS

1. UPON RECEIPT OF ALL APPLICABLE CHECKS AND PAPERWORK, YOUR APPLICATION WILL BE PROCESSED AND YOUR \$25.00 DEPOSIT WILL BE SENT TO THE ASSESSOR'S OFFICE TO ORDER YOUR LIST OF PROPERTY OWNERS WITHIN 500 FEET. **(NOTE: YOU DO NOT NEED THIS LIST OR THE ENVELOPES FOR YOUR FIRST (PRELIMINARY) MEETING. Please do not call the Assessor's Office looking for your list – they will contact you when it is ready or if necessary, call Myra at 845-563-4615.**
2. WHEN THE ASSESSOR'S OFFICE NOTIFIES YOU THAT YOUR PUBLIC HEARING LIST IS READY, YOU MUST COME IN AND PAY THE BALANCE DUE FOR THE LIST. (THE LIST WILL BE PREPARED ON LABELS FOR YOUR CONVENIENCE).
3. PREPARE AN ENVELOPE (self-sealing envelopes are much appreciated) FOR EACH LABEL WITH YOUR RETURN ADDRESS AND A REGULAR \$.37 STAMP. **BRING THE PREPARED ENVELOPES AND A COPY OF THE LIST TO THE ZONING BOARD SECRETARY FOR MAILING.** YOUR PUBLIC HEARING DATE WILL BE SCHEDULED AT THIS TIME.

NOTE:

IF IT IS EASIER FOR YOU, YOU CAN BRING THE ENVELOPES WITH YOU WHEN YOU PICK UP AND PAY FOR YOUR LIST. YOU CAN PUT THE LABELS ON AT THAT TIME AND BRING THEM TO THE ZBA OFFICE FOR COMPLETION.

NOTE:

THE ZBA MEETS ON THE 2ND AND 4TH MONDAY OF EACH MONTH UNLESS A HOLIDAY FALLS ON THAT DATE.